

**From:** [REDACTED]  
**To:** [Clerk - Shared](#)  
**Subject:** Objection to Ope! Brewing Company request for Noise Variance  
**Date:** Sunday, October 1, 2023 8:20:33 PM

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Clerk,

I am an owner of the property located at 1645 S. 68th Street which is a few hundred feet from the Ope! Brewing Company. The property consists of a 3 unit residential dwelling.

I just received the notice of hearing for October 3, 2023 and am unable to attend. I ask that this email be read into the record to voice my objection to the request for a noise variance.

Pursuant to the City's ordinances, an application for a variance shall specify the grounds upon which the variance permit is sought and the date by which the source of any excess noise or vibration for which the variance is sought shall be brought into compliance with section 7.035. The applicant does not intend to bring the noise into compliance - ever -and therefore, the application fails.

Further, the application is wholly insufficient. The application simply states that "[t]he music is played at a reasonable level at reasonable hours". Again, the application fails to satisfy the requirements of Section 7.035 and therefore should be denied.

The tavern is surrounded by residential dwellings who want to be able to enjoy their homes and sleep in peace.

The City of West Allis zoning code sets forth the specific hours and decibel levels that are deemed "reasonable". Not only are the requested extended hours outside of the City's hours which are deemed reasonable, there is no indication of the proposed decibels.

In a residential setting, between 7 am - 9:59 pm, the decibel level should not exceed 65 dB(A), and after 10 pm, the decibel level should not exceed 55 dB(A). A typical outdoor band is approximately 100 dB(A). The applicant has not provided any information relating to the decibel level.

Sound Pressure Level		
Zone	Time	Decibel (dB(A)) Level
Residential, Park District	10:00 p.m. to 6:59 a.m.	55 dB(A)
	7:00 a.m. to 9:59 p.m.	65 dB(A)
Commercial, Manufacturing	10:00 p.m. to 6:59 a.m.	60 dB(A)
	7:00 a.m. to 9:59 p.m.	70 dB(A)

The City, in its statement of purpose (ordinance 7.035 Noise control Regulations) states that "[t]he City of West Allis recognizes that excessive noise and vibration are serious threats to the public health and welfare, public safety, quality of life and property values."

The applicant has failed to provide any information on noise levels and how extending outside music hours on both weeknights and weekend nights complies with the statement of purpose and how the outside music will not be a threat to the public health and welfare, public safety, quality of life and property values. The City has already received several emails from the surrounding neighbors complaining about the existing noise (without having any extended hours). Extending the outdoor music hours will only exacerbate the property and cause further deterioration of the public health and welfare, public safety, quality of life and property values. Further, the outdoor music would constitute a "noise disturbance" (as defined in the zoning code) to all nearby residential dwellings. Pursuant to

the ordinances, "Noise Disturbance" means any sound or vibration which: May disturb or annoy reasonable persons of normal sensitivities; or causes, or tends to cause, an adverse effect on the public health and welfare; or endangers or injures people; or endangers or injures personal or real property.

The applicant has failed to provide information sufficient for the City to confirm that (1) the outdoor music is not and will not be a "noise disturbance"; and (2) the outdoor music is not in violation of the City's noise control regulations set forth in Ordinance 7.035; and (3) the applicant has satisfied the requirements of Section 7.035(11) of the City of West Allis ordinances.

Based upon the reasons above, I ask that the City deny Ope! Brewing Company's request for outdoor music.

Thank you for your consideration.

Lisa Wood